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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA JR., CAL EPA BUILDING
COASTAL HEARING ROOM
1001 I STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA

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9:08 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

COMMITTEE MEMBERS PRESENT:

MICHAEL PAPARIAN, CHAIR

STEVEN R. JONES

JOSE MEDINA

STAFF PRESENT:

MARK LEARY, Executive Director

KATHRYN TOBIAS, Chief Legal Counsel

PEGGY FARRELL, Committee Secretary

LILAH SAMPAIO, Board Staff

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1 P R O C E E D I N G S

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3 COMMITTEE CHAIR PAPARIAN: Good morning
4 everybody, welcome. This is a meeting of the Permitting
5 and Enforcement Committee.

6 And can everybody hear me? Okay.

7 I think we've got a pretty brief agenda this
8 morning. I want to start out with a roll call.

9 COMMITTEE SECRETARY FARRELL: Jones?

10 COMMITTEE MEMBER JONES: Here.

11 COMMITTEE SECRETARY FARRELL: Medina?

12 COMMITTEE MEMBER MEDINA: Here.

13 COMMITTEE SECRETARY FARRELL: Roberti?

14 (Not present.)

15 COMMITTEE SECRETARY FARRELL: Paparian?

16 COMMITTEE CHAIR PAPARIAN: Here.

17 Mr. Jones or Mr. Medina, do either of you have
18 any ex-parte or --.

19 COMMITTEE MEMBER JONES: Not at this time.

20 COMMITTEE CHAIR PAPARIAN: Okay. I think we
21 can go ahead and just get started.

22 The first item on the agenda is the Deputy
23 Director's report.

24 MS. NAUMAN: Good morning, Mr. Chair and Board
25 members, Julie Nauman with the Permitting and

1 Enforcement Division.

2 I have a few items to report on this morning.

3 As we did last month, I'd like to report on
4 upcoming permits. We're expecting approximately
5 thirteen permits to come before the Board in June and
6 July combination.

7 In June we're planning to report to the Board
8 on the progress of what we have called the past pilot
9 program. And this is the pilot program that the Board
10 approved late last year requiring permit applications to
11 be submitted on the last Monday of each month. And
12 we're to assure that the Board has as close to sixty
13 days as possible to review those permits and bring them
14 forward to the Board for consideration.

15 A couple of other items worth noting. We
16 received a proposed permit for the Alturas Landfill
17 located in Modoc County. The LEA has indicated that
18 they believe that the requested change should be
19 categorically exempt from the requirements of CEQA.
20 Staff, however, have determined that a negative
21 declaration is appropriate to support the Board's action
22 on the permit.

23 So the purpose of my report this morning is not
24 to really get into the details of that permit, but just
25 to cover the issue that staff, excuse me, will be

1 completing the necessary CEQA documentation within that
2 sixty day allotted timeframe, so our action will not
3 delay our ability to bring that permit package forward
4 to you.

5 So fundamentally we have a disagreement between
6 our staff and the LEA, and staff has taken the position
7 that they believe for your purposes that you should have
8 a negative declaration on this permit package.

9 Secondly, I wanted to report on some
10 developments with respect to the Inland Empire. I think
11 the committee may be aware that there were some news
12 reports and e-mails a couple of weeks ago about the
13 Inland Empire composting facility which was ordered
14 closed.

15 And although initially there was some concern
16 about the waste stream disposition, our Southern
17 California LEA's indicate that the material is being
18 managed without overburdening any one facility.

19 Some of the material is being managed through
20 disposal; some of it's being diverted to other
21 composting facilities. So we'll keep you posted on any
22 further developments. But at least for now the waste
23 stream is being accommodated.

24 I'm going to skip down to just to give you an
25 update on our LEA Roundtables. I think, as you know,

1 quarterly our roundtables are held with LEA's throughout
2 the state. And our staff travels to the venues to meet
3 with them and talk about technical issues.

4 The Southern California LEA staff has indicated
5 a strong interest in conversion technology, and many of
6 the issues that are generated at the roundtables become
7 part of our Enforcement Advisory Council, EAC agenda
8 where they get included as topics at our annual
9 conference.

10 The next EAC meeting is scheduled for June 11th
11 in Sacramento. And certainly any of you are more than
12 welcome. And I'm sure the members of the committee
13 would be delighted to have you attend any or all of
14 those meetings. They're held here in the building. And
15 we can make copies of the agenda available to you and
16 your staff in advance.

17 So that completes my report. And unless you
18 have any questions, I can just move into the items.

19 COMMITTEE CHAIR PAPARIAN: Any questions?

20 Go ahead.

21 MS. NAUMAN: Okay. Item B which corresponds to
22 agenda item three for the Board meeting for those who
23 are following it along, is consideration of a revised
24 full solid waste facility permit transfer processing
25 station for the Paramount Resource Recycling Facility in

1 Los Angeles County.

2 I might note that this is the first time we
3 have attempted to use our new template on a permit item,
4 so we certainly welcome your feedback on how the
5 template is serving your needs.

6 And Bill Marciniak will be making the
7 presentation.

8 MR. MARCINIAK: Good morning, Board members. I
9 will be presenting item number three, consideration of a
10 revised full solid waste facilities permit for the
11 Paramount Resource Recycling facility located in Los
12 Angeles County.

13 The facility is located in the city of
14 Paramount, and is owned and operated by Paramount
15 Resource and Recycling, Incorporated.

16 The proposed permit will allow an increase in
17 the maximum waste received from 1,200 to 2,450, an
18 increase in the acreage from 1.79 acres to 4.4 acres,
19 and allow public vehicles access to the site from 2:00
20 a.m. to 10:00 p.m. which is the same as commercial
21 vehicles. Currently they are allowed only access from
22 6:00 a.m. to 10:00 p.m.

23 The LEA has certified the application is
24 complete and correct and that the reported facility
25 information meets the requirements of the California

1 Code of Regulations and that CEQA has been complied
2 with.

3 Board staff have also reviewed the proposed
4 permit supporting documentation and found them to be
5 acceptable.

6 In conclusion, staff recommend that the Board
7 adopt permit decision number 2002-217 concurring with
8 the issuance of solid waste facility permit number
9 19-AA-0840 for the Paramount Resource Recycling
10 facility.

11 The operator's consultant, Chip Clemens and
12 myself are available to answer any questions you have.

13 COMMITTEE CHAIR PAPARIAN: Questions? Mr.
14 Jones, Mr. Medina, any questions?

15 COMMITTEE MEMBER MEDINA: I would just like to
16 hear what steps have been taken in regard to the three
17 SMS violations from January through March that took
18 place in 2002.

19 MR. MARCINIAK: The LEA documented a load
20 checking violation in that the training wasn't up to
21 date for October, November, December, and January. And
22 since then the operator has had the load checker attend
23 the training, so that was eliminated.

24 And the other two violations were corrected.
25 In January the violations were corrected before the

1 February inspection.

2 When I did my pre-permit inspection there, we
3 didn't find any violations at that time.

4 COMMITTEE MEMBER MEDINA: My concern in regards
5 to this item is just in regard to their compliance
6 history, they have a very bad history in regard to these
7 violations.

8 MR. CLEMENS: Good morning, I'm Chip Clemens
9 with Clemens Environmental Consulting for the Paramount
10 Resource Recycling Facility.

11 We have in the past had several, you know, what
12 I would call minor violations, but we have really
13 tightened up the operation of the facility, and as Bill
14 mentioned, we've corrected, you know, all the former
15 violations. And the three that we had earlier this year
16 have all been corrected.

17 And now the LEA has done several inspections,
18 and Bill did an inspection, and we're operating
19 according to all the state minimum standards and plan to
20 do so for the future.

21 COMMITTEE CHAIR PAPARIAN: Let me ask you a
22 question about this. The posted hours of the facility
23 currently are 5:00 in the morning for commercial and
24 7:00 in the morning for public vehicles even though the
25 permitted hours are earlier than that.

1 MR. CLEMENS: Right. I think the idea there
2 was just to go with the permit for what we thought would
3 be the maximum hours that we possibly needed. And what
4 we found we have actually been operating, at this point
5 the actual operation does not need to be open some of
6 those very early morning hours, but we wanted to have
7 the ability to be open then if we needed it for some of
8 the early morning haulers.

9 Yeah, and that's the other point. At the
10 present time the current tonnage is only about four
11 hundred tons per day because of some of the
12 consolidations of the companies and the shifting waste
13 stream down there, so we're not really even close to
14 that maximum limit. So those hours have just turned out
15 to be not necessary, the early morning hours. But they
16 may be in the future, so we wanted to make sure that we
17 had it covered if we needed it.

18 COMMITTEE CHAIR PAPARIAN: Okay. And then the,
19 you've got residences, I think you've got like a
20 railroad right-of-way and a power right-of-way and
21 residences five hundred feet away in that direction --

22 MR. CLEMENS: Correct.

23 COMMITTEE CHAIR PAPARIAN: And then 200 feet
24 away in that direction is a mobile home park.

25 MR. CLEMENS: Yeah, five hundred feet to the

1 mobile home park, but in between is this Edison
2 right-of-way that has a commercial nursery.

3 We've actually put up a ten foot wall across
4 the center of that property. And we're permitted to
5 stage roll-offs and empty trucks and park employees over
6 in that area, but that's the only thing that occurs, you
7 know, even remotely close to where the trailer park is.

8 COMMITTEE CHAIR PAPARIAN: Any complaints from
9 them or from the residents in the other direction?

10 MR. CLEMENS: No complaints.

11 COMMITTEE CHAIR PAPARIAN: Anything else?

12 COMMITTEE MEMBER JONES: Mr. Chair.

13 COMMITTEE CHAIR PAPARIAN: Yes, sir.

14 COMMITTEE MEMBER JONES: I'll move adoption of
15 Resolution 2002-217 revised, revised solid waste
16 facilities permit for the Paramount Resource Recycling
17 Center.

18 COMMITTEE CHAIR PAPARIAN: Okay. Before we
19 move forward on that let me just clarify what our rules
20 were. We have one member missing, so in terms of
21 whether this would go for consent or not?

22 EXECUTIVE DIRECTOR LEARY: Mr. Chair, Mark
23 Leary for the Waste Board. If it were a three 0 vote
24 with one member absent, we would consider that a motion
25 for consent unless the three of you indicated otherwise.

1 COMMITTEE CHAIR PAPARIAN: Okay.

2 EXECUTIVE DIRECTOR LEARY: It's the unanimity
3 we're looking for. If, obviously that one member or the
4 other members have the option to pull it off consent as
5 they so choose, as always.

6 COMMITTEE MEMBER MEDINA: I'm not inclined to
7 place this particular item on consent, I'd rather have
8 it up for the full Board discussion.

9 COMMITTEE CHAIR PAPARIAN: Okay. In that case
10 I'm wondering if we should not take a vote?

11 COMMITTEE MEMBER JONES: Well we, I mean we
12 have to give a recommendation to the Board.

13 LEGAL COUNSEL TOBIAS: We need a recommendation
14 to the Board.

15 COMMITTEE CHAIR PAPARIAN: We need a
16 recommendation to keep it on consent.

17 So Mr. Jones moved and recommended support of
18 this item, I'll go ahead and second that and move it
19 forward.

20 Secretary call the roll.

21 COMMITTEE SECRETARY FARRELL: Jones?

22 COMMITTEE MEMBER JONES: Aye.

23 COMMITTEE SECRETARY FARRELL: Medina?

24 COMMITTEE MEMBER MEDINA: Aye.

25 COMMITTEE SECRETARY FARRELL: Paparian?

1 COMMITTEE CHAIR PAPARIAN: Aye.

2 So it will go to the full Board, not on the
3 consent agenda, but from the subcommittee with support.

4 MS. NAUMAN: Our next item, item C, is
5 consideration of a revised full solid waste facilities
6 permit/transfer processing station for the El Dorado
7 Recovery Systems Material Recovery Facility in El Dorado
8 County.

9 Mary Madison-Johnson will make the
10 presentation.

11 MS. MADISON-JOHNSON: Good morning, Mr. Chair
12 and members.

13 This is an existing transfer station located on
14 Throwita Way in Placerville. I just had to say that, I
15 thought that was a cute name. It's located in an
16 industrial park.

17 It's a proposed project, the operator proposes
18 to make the following changes:

19 Increase the number of vehicles using the
20 facility from 380 to 679 vehicles per day.

21 Increase the acreage from 7.1 acres to 10.1.

22 And add a sorting line.

23 These changes are necessary as traffic has been
24 exceeded several times in 2001 and 2002, although the
25 tonnage volumes have remained within the permitted

1 amount.

2 The additional acreage is needed to handle the
3 increase in traffic, and the sorting line will be used
4 to sort loads containing metal, concrete, and wood.

5 All the required findings have been made.

6 The Board staff recommend that the Board adopt
7 Resolution 2002-015 concurring in the issuance of the
8 proposed permit.

9 That concludes staff's presentation.

10 COMMITTEE CHAIR PAPARIAN: Any questions?

11 Mr. Jones.

12 COMMITTEE MEMBER JONES: Mr. Chair, I'd move
13 concurrence of Resolution 2002-050.

14 COMMITTEE MEMBER MEDINA: Second.

15 COMMITTEE CHAIR PAPARIAN: There's been a
16 motion and a second.

17 Secretary, call the roll.

18 COMMITTEE SECRETARY FARRELL: Jones?

19 COMMITTEE MEMBER JONES: Aye.

20 COMMITTEE SECRETARY FARRELL: Medina?

21 COMMITTEE MEMBER MEDINA: Aye.

22 COMMITTEE SECRETARY FARRELL: Paparian?

23 COMMITTEE CHAIR PAPARIAN: Aye.

24 COMMITTEE MEMBER JONES: Mr. Chair, I move we
25 ought to put this one on consent.

1 COMMITTEE CHAIR PAPARIAN: I think we're fine
2 with putting this on consent. Okay. Next.

3 MS. NAUMAN: Item D, consideration of approval
4 of new sites for solid waste disposal and co-disposal
5 cleanup program.

6 Scott Walker.

7 MR. WALKER: This item presents consideration
8 of one new cleanup project pursuant to the solid waste
9 cleanup for AB 2136 program.

10 The city of Huntington Beach submitted a
11 matching grant application for a cleanup project for the
12 Bolsa Chica number one and number two illegal disposal
13 sites.

14 This project was identified as an anticipated
15 near term project in the closed, illegal, and abandoned
16 site discussion item that we presented to the Board in
17 December.

18 In addition, as directed by the Board, we've
19 tried to do a lot more outreach to the urban areas of
20 Southern California, so believe it or not this is the
21 first project that we've ever had from Orange County
22 which is a, quite a change.

23 The Bolsa Chica project would address
24 significant trash accumulation in the Bolsa Chica
25 wetlands from two storm drain outlets which drain in an

1 urban residential area of about 1,200 acres.

2 Bolsa Chica is a state park preserving
3 ecologically sensitive wetlands habitat. It's adjacent
4 to and tightly connected to public beaches that have
5 been plagued with pollution problems and beach closures;
6 and these beaches include Bolsa Chica and Huntington
7 State Beaches, and also Sunset County Beach.

8 The city of Huntington Beach implements a
9 variety of measures to reduce solid waste that
10 accumulates and is washed away into the concentrated
11 run-off. But these measures have been inadequate to
12 control the pollution.

13 The total cost is estimated at, of the project
14 is estimated at \$240,000 of which Board costs would be
15 50 percent or up to \$120,000.

16 The city would be responsible for implementing
17 the project and performing ongoing maintenance. This
18 project is similar to four other projects previously
19 approved by the Board for the L.A. urban area.

20 Based on staff's review of the application all
21 program criteria have been met and cost recovery would
22 not apply.

23 In conclusion, staff will recommend the Board
24 adopt Resolution 2002-219 approving the proposed
25 matching grant application for the city of Huntington

1 Beach.

2 COMMITTEE CHAIR PAPARIAN: Any questions?

3 COMMITTEE MEMBER JONES: Mr. Chair.

4 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

5 COMMITTEE MEMBER JONES: I'll move concurrence
6 with Resolution 2002-219.

7 COMMITTEE MEMBER MEDINA: Second.

8 COMMITTEE CHAIR PAPARIAN: We have a motion and
9 a second.

10 Secretary call the roll.

11 COMMITTEE SECRETARY FARRELL: Jones?

12 COMMITTEE MEMBER JONES: Aye.

13 COMMITTEE SECRETARY FARRELL: Medina?

14 COMMITTEE MEMBER MEDINA: Aye.

15 COMMITTEE SECRETARY FARRELL: Paparian?

16 COMMITTEE CHAIR PAPARIAN: Aye. We've
17 recommended concurrence, I had a quick question about
18 whether an item like this is appropriate for consent or
19 not.

20 LEGAL COUNSEL TOBIAS: When we shifted over to
21 the committees, it used to be when we didn't have
22 committees that grants, financial items did not go on
23 consent.

24 My understanding is now that the committees can
25 go ahead and put them on consent although there are

1 several Board members who are interested, have indicated
2 an interest in having some of the financial issues come
3 before the Board.

4 So certainly the committees, if they so desire
5 and they feel like there's not a financial issue, could
6 go ahead and make a motion to put it on consent. It may
7 be that it comes off, but I think that's the way we
8 anticipated this system working.

9 COMMITTEE CHAIR PAPARIAN: Okay. So if there's
10 no objection then I think we should move it forward with
11 placing it on consent, and then if a member not on the
12 committee has a problem they can pull it off consent.
13 All right?

14 COMMITTEE MEMBER JONES: Yes.

15 MS. NAUMAN: Okay. The next three items are
16 related and Scott will present them. And we'll start
17 with item E, consideration of augmentation and amendment
18 of contract number IWM-C0167 with the Office of
19 Environmental Health Hazard Assessment for risk
20 assessment assistance, fiscal year 2001-02, contract
21 concept number 12.

22 MR. WALKER: Scott Walker, Permitting and
23 Enforcement Division.

24 The Board approved contract number IWM-C0167
25 with the Office of Environmental Health Hazard

1 Assessment or OEHHA in February to implement fiscal year
2 2001-2002, contract concept twelve.

3 The funding level of this contract was approved
4 initially at \$100,000 out of the total \$200,000
5 allocated to the concept.

6 The Board directed staff to bring back
7 additional items for consideration of the remaining
8 \$100,000, to either augment the OEHHA contract and/or
9 fund a separate interagency agreement with DTSC.

10 OEHHA provides expertise in the broadest range
11 of risk assessment services. And an example of this
12 service is with regard to conversion technologies as
13 directed by the Board last month. Through this contract
14 we will be evaluating risk aspects of conversion
15 technologies which staff is currently working on that
16 and we'll bring that back to the Board at a later date.

17 Other projects currently being used include
18 training and site specific assistance to LEA's. DTSC
19 can also provide risk assessment services for specific
20 cases such as burn dumps.

21 To address the Board's direction in February,
22 this item recommends approval to augment the OEHHA
23 contract by \$50,000. As Julie mentioned, the next two
24 items will consider a scope of work and an award of a
25 contract to DTSC for the remaining \$50,000, and the DTSC

1 contract would specifically apply to risk assessment
2 assistance related to burn dump sites, and is proposed
3 based on DTSC's request that they be considered the
4 contractor for such services specific to burn dump
5 sites.

6 In conclusion, staff will recommend the Board
7 adopt Resolution 2002-220 augmenting contract number
8 IWM-C0167 with OEHHA by \$50,000.

9 COMMITTEE CHAIR PAPARIAN: Thank you. You
10 wanted to add something, Julie?

11 MS. NAUMAN: No.

12 COMMITTEE CHAIR PAPARIAN: Okay. Any
13 questions?

14 COMMITTEE MEMBER JONES: I have a question. On
15 the OEHHA contract, there's like 28 or 38 different
16 conversion technologies. And when we talked about risk
17 assessment, you know, we've got to pick more than one
18 obviously, you know, three or four, and none have been
19 built or three or four have been built.

20 Are we kind of cutting ourselves short by only
21 giving them a fifty grand augmentation here on this?

22 MS. NAUMAN: We've had some discussions with
23 staff, and I've also had some discussions with our chair
24 who raised this issue during our consideration of the
25 conversion technology item.

1 It's my understanding that the scope of the
2 assignment is really to review the scientific data that
3 was referred to during that discussion. So I don't know
4 that it means that there will be an actual risk
5 assessment on each type of technology, but instead a
6 broader overview, review of the existing literature to
7 be able to give us some additional guidance in how to
8 deal with these issues.

9 And Mr. Paparian, maybe you want to comment on
10 your intent?

11 COMMITTEE CHAIR PAPARIAN: Mr. Jones, I was
12 actually thinking \$50,000 might be too much.

13 COMMITTEE MEMBER JONES: I don't think it's
14 enough.

15 COMMITTEE CHAIR PAPARIAN: Let me explain.
16 Yeah. My understanding is what we're going to be asking
17 OEHHA to do is we'll take a look at what we know from
18 the existing studies, some of which were referred to in
19 our Board meeting last month, tell us what that tells us
20 about what we know and what we don't know, tell us what
21 additional research might be needed to answer any
22 outstanding questions, and how much that research would
23 cost. But not to really conduct that research or
24 conduct that assessment that was necessary. But to come
25 back to us and let us know if there's additional

1 information that would be desirable, and what it would
2 take to get that information.

3 MS. NAUMAN: And I think Howard has had some
4 direct discussions with the OEHHA staff and can comment.

5 MR. LEVENSON: Fernando and I met late last
6 week with OEHHA and started talking about what's
7 possible and, Mr. Paparian, as you described, that was
8 correct.

9 We would be looking for a review of existing
10 literature, particularly risk assessment data because
11 that's what OEHHA specializes in as opposed to assessing
12 whether the emissions that are claimed from a particular
13 technology are correct.

14 What are the gaps? What kind of research could
15 be conducted to fill that in? As well as what's the
16 feasibility of OEHHA assisting the Board as individual
17 applications or permit applications come before the
18 Board for conversion technologies, what could their role
19 be based on their authority and their resources?

20 COMMITTEE MEMBER JONES: Yeah. My concern is I
21 don't want another MTBE. And I remember making that
22 statement after I got back from Santa Barbara for the
23 conversion technologies issue down there, because
24 clearly within the expertise of these different,
25 different forms of conversion, there's disagreement over

1 which one is the best, which one is dangerous, which
2 one, you know, could have side effects.

3 So I just want us to be aware, I don't think
4 that it's prudent to look at a few technologies and say,
5 you know, okay, this is cool, this is not a problem.
6 Because it's going to give the impression that that's a
7 seal of approval on all 28 or, and I don't remember if
8 that's the right number, but it seems to me it was
9 either 28 or 38.

10 MR. LEVENSON: I don't know if there's a real
11 number.

12 COMMITTEE MEMBER JONES: Okay. That's what I
13 had walked away with everybody saying that that's been
14 identified.

15 MR. LEVENSON: I'd say we actually have three
16 kind of different projects on addressing that question
17 you're raising.

18 One is the work we've been doing with OEHHA,
19 and they've made it very clear they'll only look at
20 actual risks. They won't evaluate a technology and say
21 it's likely to present such and such emission or
22 residuals. Given such a set of emissions or residuals,
23 here are the risks.

24 We also have a contract with UC Davis the Board
25 approved last month to identify technologies, make sure

1 we know whether it's 28 or 38 or 50 or whatever. Start
2 a first order evaluation of those technologies in terms
3 of emissions and performance capabilities. We hope to
4 extend that depending on what's passed in the budget
5 proposal.

6 And then thirdly, we have the same kinds of
7 provisions for life cycle comparisons of different
8 technologies. So between the three, although it will
9 take some time to complete, we would hope to get a
10 variety of different perspectives on that question.

11 COMMITTEE MEMBER JONES: So you think the fifty
12 grand is enough?

13 MR. LEVENSON: Well, we don't know, we haven't
14 heard. We just sent a draft scope through P&E over to
15 OEHHA last week, and we haven't heard back from them in
16 terms of what it will cost. We expect that this week.

17 COMMITTEE CHAIR PAPARIAN: Howard, you did
18 bring up one issue there and that is that, I guess OEHHA
19 had some limits in terms of what they can do in looking
20 at things like air emissions and what the emissions are.

21 Will you be able to, just using the existing
22 resources, consult with ARB as appropriate to get their
23 expertise on that issue?

24 MR. LEVENSON: That's one of the things that,
25 almost the first thing they mentioned was why aren't you

1 guys, why won't you be working with the AQMD's and the
2 Air Board on looking at individual permits?

3 And we said, well the first thing we need to do
4 is get a handle on what the existing literature says
5 about risks, and that's OEHHA's function.

6 But it's clear that we will have to either have
7 this work reviewed by ARB, or at least as individual
8 permits come forward, that's certainly, those would be
9 looked at by the local AQMD before they ever get to the
10 Board.

11 So there's a variety of different avenues that
12 we can use to get Air Board input. We can do, make a
13 more formal kind of request to them if you wish.

14 COMMITTEE CHAIR PAPARIAN: Yeah, I think, I
15 mean from what I'm hearing I think it might be good
16 early on, I mean very soon, to kind of scope out what it
17 is that we would want to know from the ARB and then
18 figure out how we might be able to get that information.

19 It might be quite possible that using their
20 existing scientific research that they're able to
21 provide whatever sorts of answers we'd be looking for.

22 MR. LEVENSON: We'll start contacting them and
23 report back to you when we find out.

24 COMMITTEE CHAIR PAPARIAN: Anything else?

25 COMMITTEE MEMBER JONES: No. Mr. Chair.

1 COMMITTEE CHAIR PAPARIAN: Yes, Mr. Jones.

2 COMMITTEE MEMBER JONES: I will move for
3 concurrence with Resolution 2002-220, consideration of
4 augmentation to OEHHA. And while I'm going to move it,
5 I don't think we should put it on consent, I think this
6 should be a heard item.

7 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Jones has
8 made a motion.

9 COMMITTEE MEMBER MEDINA: Second.

10 COMMITTEE CHAIR PAPARIAN: Seconded by Mr.
11 Medina.

12 Secretary, call the roll.

13 COMMITTEE SECRETARY FARRELL: Jones?

14 COMMITTEE MEMBER JONES: Aye.

15 COMMITTEE SECRETARY FARRELL: Medina?

16 COMMITTEE MEMBER MEDINA: Aye.

17 COMMITTEE SECRETARY FARRELL: Paparian?

18 COMMITTEE CHAIR PAPARIAN: Aye. So the
19 recommendation on that one is to support, but we don't
20 have it on the consent.

21 Okay, next.

22 MS. NAUMAN: Item F is the consideration of the
23 revised scope of work for the risk assessment assistance
24 contract, again this is for year 2001-2002, contract
25 concept number twelve.

1 And then related to that is item G,
2 consideration of the Department of Toxic Substance
3 Control as the contractor for the revised risk
4 assessment contract.

5 MR. WALKER: Scott Walker, Permitting and
6 Enforcement Division.

7 And again these two items tie directly into the
8 augmentation item, and this deals with the remaining
9 \$50,000 on this contract concept.

10 And in February the Board again directed staff
11 to go back and work with Toxics and OEHHA with regard to
12 the specific tasks associated with burn dumps.

13 DTSC basically requested that we take those out
14 of OEHHA and that they be considered for those
15 particular tasks.

16 And so we went back, we worked with DTSC staff,
17 and we brought forth this item which was the scope of
18 work. And basically this scope of work would address
19 the risk assessment services needed specific to burn
20 dump sites.

21 And there's five tasks identified, four of
22 which basically provide for DTSC site specific reviews
23 and reports if they're requested. If we come up with
24 something the LEA's have specific to a burn dump site,
25 we could use this scope of work to have DTSC review

1 that, DTSC toxicologists.

2 The other task, which is task three, would
3 provide for standardized guidance to the Board and LEA's
4 to use when cleaning up the dump sites. So this is more
5 generic, more standardized guidance that we would
6 address with that task.

7 The, a point to bring up too is that there have
8 been some concerns with regard to scopes of works and,
9 you know, controls on the spending and the products and
10 all. And I wanted to remind the Board that this scope
11 of work is a work order based time and materials
12 contract, and it provides the Board with significant
13 control over costs and other work products. No activity
14 would be authorized unless there was a work order signed
15 by both parties which identifies the specific work
16 products and costs.

17 And again, as they come up, then we develop and
18 we draft the work order with Toxics, and we go forward
19 as appropriate, as project managers.

20 In conclusion, staff will recommend the Board
21 adopt Resolution 2002-269 approving the proposed revised
22 scope of work for risk assessment services of burn dump
23 sites.

24 And I don't know whether you'd like me to go
25 into the next item? The next item essentially would

1 recommend the Board adopt Resolution 2002-270 approving
2 DTSC as contractor for the scope of work.

3 COMMITTEE MEMBER JONES: Mr. Chair.

4 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

5 COMMITTEE MEMBER JONES: So if we put this
6 money in that fund, where, is it the Waste Board that
7 has the, we're the only ones that can trigger a work
8 order?

9 MR. WALKER: Correct.

10 COMMITTEE MEMBER JONES: This isn't going to
11 be, you know, we're going to go look at a burn dump so
12 we need fifty grand?

13 MR. WALKER: No, they can't, through this
14 contract and this scope of work they can't go ahead and
15 do something and come back and ask us to pay for it.
16 They have to first get the work order approved and
17 signed.

18 COMMITTEE MEMBER JONES: But it's only going to
19 be if the Waste Board originates the request?

20 MR. WALKER: Correct.

21 COMMITTEE MEMBER JONES: Okay. Mr. Chair.

22 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

23 COMMITTEE MEMBER JONES: I'll move adoption of
24 resolution, or I'll ask for concurrence of Resolution
25 2002-269.

1 COMMITTEE MEMBER MEDINA: Second.

2 COMMITTEE CHAIR PAPARIAN: We have a motion and
3 a second on 2002-269.

4 Secretary, call the roll.

5 COMMITTEE SECRETARY FARRELL: Jones?

6 COMMITTEE MEMBER JONES: Aye.

7 COMMITTEE SECRETARY FARRELL: Medina?

8 COMMITTEE MEMBER MEDINA: Aye.

9 COMMITTEE SECRETARY FARRELL: Paparian?

10 COMMITTEE CHAIR PAPARIAN: Aye.

11 COMMITTEE MEMBER JONES: Mr. Chairman.

12 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

13 COMMITTEE MEMBER JONES: I'll move for
14 concurrence on Resolution 2002-270 which determines DTSC
15 as our contractor on the contract concept.

16 COMMITTEE MEMBER MEDINA: Second.

17 COMMITTEE CHAIR PAPARIAN: Okay. We have a
18 motion and a second on 2002-270.

19 Secretary, call the roll.

20 COMMITTEE SECRETARY FARRELL: Jones?

21 COMMITTEE MEMBER JONES: Aye.

22 COMMITTEE SECRETARY FARRELL: Medina?

23 COMMITTEE MEMBER MEDINA: Aye.

24 COMMITTEE SECRETARY FARRELL: Paparian?

25 COMMITTEE CHAIR PAPARIAN: Aye. And should we

1 have those on consent?

2 COMMITTEE MEMBER JONES: They're going to get
3 pulled off, I think we ought to just leave them off
4 probably, I think it would probably be --

5 COMMITTEE CHAIR PAPARIAN: That's fine, we have
6 a recommendation of support from the subcommittee.

7 COMMITTEE MEMBER JONES: Yeah. Yeah.

8 COMMITTEE CHAIR PAPARIAN: Anything you want to
9 add, Mr. Leary?

10 EXECUTIVE DIRECTOR LEARY: I was just going to
11 say in supplementing Kathryn's earlier remarks about
12 fiscal items being placed on consent, I believe that, as
13 Mr. Jones says, this would come out regardless; but as
14 we did last month, as you recall, was make an
15 abbreviated presentation at the full Board meeting of
16 fiscal matters even though committee had placed them on
17 consent there were other Board members who wanted to
18 have a vote of the Board on all fiscal matters, so what
19 we ended up doing was having a consent list for
20 non-fiscal matters, and an abbreviated presentation at
21 the full Board meeting for those items which were fiscal
22 in nature, which moved them quite quickly right along.

23 So given that the second half of these two
24 items is a fiscal matter, it will be most likely
25 presented before the Board in an abbreviated fashion.

1 Now I, it's up to the three of you whether the
2 first item, we can try it on consent and see what
3 happens, or just take it off consent and prepare for a
4 presentation.

5 COMMITTEE MEMBER JONES: Why don't you go ahead
6 and put the one on consent, put the other ones on
7 consent with a short presentation? That would be my
8 recommendations, Mr. Chair.

9 COMMITTEE CHAIR PAPARIAN: Okay. Any problem
10 with that?

11 COMMITTEE MEMBER JONES: No.

12 COMMITTEE CHAIR PAPARIAN: Okay. Why don't we
13 go ahead, try it that way.

14 Thank you.

15 MS. NAUMAN: Next item is item H, consideration
16 of approval to formally notice proposed regulations for
17 closure and postclosure maintenance.

18 Mike Wochnick will make the presentation.

19 MR. WOCHNICK: Good morning, Board members.
20 We'll wait for the presentation to come up.

21 Good morning. The presentation this morning is
22 to request the committee's approval to notice for the
23 formal comment period the closure regulations.

24 COMMITTEE CHAIR PAPARIAN: Before you go much
25 further, is there a way to turn on these monitors here,

1 do you know?

2 COMMITTEE SECRETARY FARRELL: Touch the screen
3 and see if it's on.

4 COMMITTEE CHAIR PAPARIAN: Oh, okay. There we
5 go.

6 COMMITTEE SECRETARY FARRELL: There you go.

7 COMMITTEE CHAIR PAPARIAN: Thank you. Go
8 ahead.

9 MR. WOCHNICK: All right. To give you some
10 background. The beginning for these closure regulations
11 were based on the state audit report that was done in
12 December of 2000. Among the findings in the report were
13 that landfills delay closure and closure plans, and a
14 look of coordination of closure plan review.

15 Based on that, the audit report did a couple of
16 recommendations, including to revise regulations to
17 address delay of closure and closure plans, and to
18 reestablish the Board as the coordinating agency for
19 closure plan review.

20 In discussions the Board in May of 2001 adopted
21 Resolution 2001-135 which directed staff to revise
22 regulations to accomplish four tasks.

23 One was for permits for closed landfills.

24 Two was to control trickling waste and/or
25 closure delays.

1 Approval of closure plans for solid waste
2 facility permit concurrence.

3 And reestablish concurrence of the Board as
4 coordinating agency for closure plans.

5 To accomplish this task took a number of
6 months. We had a first draft in November of last year,
7 had some workshops in Diamond Bar and Sacramento, and we
8 had some formal comments.

9 We had a second draft in February, and
10 subsequent to that had some meetings with the Rural
11 Counties Environmental Services Joint Powers Authority,
12 CCDEH, and the EAC, and we've made some additional
13 changes to address their issues.

14 We had a third draft agenda in March of this
15 year, and had some additional meetings with industry to
16 address some of their concerns.

17 And now we have the proposed version in front
18 of you today.

19 To go over the four main points.

20 The first one on closure permits. What staff
21 is proposing is that the final closure plans, whether
22 it's a full final or a partial final, would act as an
23 RFI amendment. And then that the plan provisions would
24 be incorporated into the existing solid waste facility
25 permit by reference.

1 In this case the LEA would not have to formally
2 revise the permit at the time the plan just gets
3 incorporated directly.

4 There were some issues about whether the permit
5 should be mandatory or optional, but in discussions with
6 our legal staff is that it's, a permit to incorporate
7 the closure plan is advisable to effectively implement
8 the statute since current statute is very nebulous in
9 its terminology about the enforcement, the actual
10 enforceability of closure plans absent a permit
11 condition. And also that the permit will allow
12 additional enforcement options.

13 However, we do want to make --

14 COMMITTEE CHAIR PAPARIAN: Hold on just one
15 second. Mr. Jones has a question.

16 COMMITTEE MEMBER JONES: Just one second, Mike.

17 MR. WOCHNICK: Sure.

18 COMMITTEE MEMBER JONES: You've got an existing
19 permit?

20 MR. WOCHNICK: Yes.

21 COMMITTEE MEMBER JONES: And that has started
22 with this facility since before it became constructed?

23 MR. WOCHNICK: Right.

24 COMMITTEE MEMBER JONES: You have a closure
25 plan that is part of a, you can't, you can't even start

1 construction without having estimates of a closure plan,
2 right? I mean you start a closure plan the day you
3 start a facility?

4 MR. WOCHNICK: Yeah, but that's a preliminary
5 closure plan.

6 COMMITTEE MEMBER JONES: Understood.

7 MR. WOCHNICK: Okay.

8 COMMITTEE MEMBER JONES: Because we had
9 meetings and I was kind of of the understanding that we
10 were, that the permit, the existing solid waste facility
11 permit that has been with that facility since day one --

12 MR. WOCHNICK: Right.

13 COMMITTEE MEMBER JONES: -- whether it's been
14 revised or whatever, it has a permit with it. That
15 permit is going to stay with that facility forever?

16 MR. WOCHNICK: Correct.

17 COMMITTEE MEMBER JONES: Through closure and
18 post closure?

19 MR. WOCHNICK: That's correct.

20 COMMITTEE MEMBER JONES: And then a, a approved
21 closure plan will be an addendum or will be the, will be
22 attached, okay, for the conditions?

23 MR. WOCHNICK: Correct.

24 COMMITTEE MEMBER JONES: Okay. So I guess when
25 you were talking about permits might not have the

1 ability to do that, is it because we have to do
2 something or to confirm that.

3 You got me nervous, Mike, because it sounded
4 like we were going in an opposite direction from where
5 we were.

6 MR. WOCHNICK: What I was talking about was the
7 statute.

8 COMMITTEE MEMBER JONES: Okay.

9 MR. WOCHNICK: Because existing state statute
10 states that the, upon approval of the final closure plan
11 would be the governing document for a facility.

12 COMMITTEE MEMBER JONES: Right.

13 MR. WOCHNICK: That terminology is very
14 nebulous, and in the past it had been interpreted that
15 the plan is directly enforceable absent a permit
16 condition.

17 In recent discussions with our legal office
18 staff it is determined that that's a questionable
19 determination, so therefore that's why we're
20 recommending this change is that the closure plan gets
21 incorporated into a permit and, therefore, it is
22 directly enforceable.

23 And that's why we're doing that.

24 COMMITTEE MEMBER JONES: That's fine. I'm
25 sorry, I just wanted to make sure that was clear.

1 MR. WOCHNICK: Yeah, it was just -- we -- we do
2 want to make, staff is recommending one minor change to
3 the version of the regulations that's in your agenda.

4 We want to add, on the very last page, it would
5 be the very last section under 2870(E), add a number
6 three which will state, as written there on your screen
7 there,

8 "No later than upon approval of
9 the certification of closure, the EA
10 shall update the permit pursuant to
11 the procedures specified under
12 section 21670. This update takes
13 the place of a permit review under
14 section 21620 or 21640."

15 The reason for this is that at the request of
16 our permits branch, is that under the proposed wording
17 in the agenda item is that technically a permit would
18 never have to be updated to reflect closure, since the
19 closure plan is already incorporated you never have to
20 do that.

21 So what this is saying is that at least by the
22 time the closure is completed, the certification of
23 closure, that the permit would be updated to reflect
24 that the site is closed but not operating.

25 So sections 21670 is the procedures for

1 ownership or name and address changes, which is a very
2 administrative process, so it would not have to come up,
3 it's an administrative change only. So we want to make
4 that addition to these regulations prior to starting the
5 45 day comment period.

6 The second part of the resolution had to do
7 with trickling and closure delays. And that standard is
8 divided up into three parts, what we call the flow level
9 or the trigger which would kick a facility into the
10 standard, the criteria under which closure extensions
11 could be approved, and then how it's implemented.

12 There's two triggers; one is for long term
13 inactive sites. So if the site is inactive for more
14 than twelve months, then that kicks it into the
15 regulation. And that's identical to the current
16 standard in the RCRA Subtitle D.

17 The very low flow standard is you compare the
18 last two years of average flow, compare that to the
19 previous ten years before that, so a twelve year period,
20 and 30 percent. If the current two years is 30 percent
21 or less of the previous ten years flow, then we're
22 calling that as a low flow to then kick 'em into the
23 trickling regulations.

24 And I do want to make sure that this does not
25 apply to, there was a concern last month that this might

1 apply to inactive portions of active landfills, and that
2 was never staff's intention, but we have added another
3 section into the proposed regulations that specifically
4 say it does not address inactive portions of active
5 landfills.

6 Now, the criteria to approve a closure
7 extension would be that there is capacity to receive
8 additional waste, there is a likelihood of receiving
9 additional waste, and then the reasons could be anything
10 other than it cannot be to avoid or delay closure.

11 So if a an operator is avoiding or delaying
12 closure, then no, we would not allow a closure
13 extension, they would have to then begin closure
14 activities.

15 If it's for some other legitimate reason then
16 that could be approved and allow them to either stay at
17 the low flow state or to be inactive for longer than a
18 twelve month period.

19 On the implementation. The LEA would approve
20 that extension with Waste Board concurrence, and there
21 are timelines for application, review and approval in
22 the regulations.

23 The site has to be maintained in an
24 environmentally sound manner.

25 The solid waste facility permit will have to be

1 reviewed or revised after approval to determine whether
2 the existing permit addresses the low flow condition or
3 not.

4 And then we also have added in at the request
5 of the rural counties is that for those sites that are,
6 currently might meet the standard but will actually
7 close within the next two years but do not have to go
8 through this approval process for the time period, they
9 can close within the next few years. Because there are
10 a few facilities that are looking to close very
11 recently.

12 Some of the issues with the trickling
13 regulation were the trigger. None, some had none,
14 trickling was fine, or to a 50 percent of lifetime
15 average. The specific criteria to any reason okay for
16 the criteria or permit versus no permit change.

17 The regulations were drafted as proposed
18 because the standards do address incremental reduction
19 of flows, and will address existing reduced flow
20 landfills without being overly burdensome.

21 The criteria by leaving it open to any reason
22 other than avoiding or delaying closure allows for the
23 greatest flexibility.

24 And then the implementation will consider, it's
25 considered a significant change, and you have a need for

1 appropriate permit conditions if not already addressed
2 in the permit.

3 Based on staff's finding, looking at flow data
4 through the year 2000 is approximately seventeen
5 landfills would fall under this regulation as written.
6 Fourteen at the low flow, three at the long term
7 inactive.

8 In an initial look at these sites, most appear
9 to have justifiable reasons for their low flows. Some
10 of them have lost flows to a private landfill, so
11 they're not avoiding closure they've just lost
12 customers, and there are also some partial closures
13 among the sites.

14 Closure plan approval for a solid waste
15 facility permit, that's item number three on the list.
16 The proposed standard requires the Waste Board to
17 determine a plan, that the closure plans are in
18 compliance with state minimum standards for solid waste
19 facility permit concurrence.

20 That's stronger than what it is currently now,
21 where the plans only have to be deemed complete which is
22 a fairly low standard, which means that they have to
23 address the various issues.

24 This one did get a lot of comments during the
25 informal period. Some stakeholders wanted the status

1 quo complaining that it will be difficult to obtain
2 approval without delaying permit processing.

3 What staff's done is that the permit processing
4 has not changed. Permits will go ahead the same way, so
5 the only difference is that, for Board concurrence is
6 that Board staff would have to make the finding if the
7 plans are in compliance with state minimum standards.
8 Neither the LEA nor the Water Board would have to do
9 anything in addition to what they're already currently
10 doing.

11 Standard of complies with state minimum
12 standards is less onerous, especially when there may be
13 delays from other agencies beyond the control of the
14 Waste Board for the LEA.

15 And it does address delays in plan submittals
16 which currently are occurring.

17 The Board as coordinating agency, which is the
18 fourth item on the resolution. The way the standard is
19 written is that the Waste Board would be the default
20 coordinating agency for closure plan review. However,
21 the LEA or the Water Board could be, on a case by case
22 basis, providing all the agencies agree to that.

23 This has general agreement with pretty much
24 everybody, and there, it appears to be a
25 non-controversial change. And in fact, many of the

1 comments that we've received is that they welcome this
2 change.

3 The Board has three options:

4 To approve the request with no changes to the
5 proposed regulations.

6 Approve the request and require changes prior
7 to beginning the formal comment period.

8 Or require an additional informal comment
9 period.

10 Staff is recommending that the committee
11 approve the request with no changes to the proposed
12 regulations, including the one I mentioned during the
13 presentation, the one addition.

14 COMMITTEE CHAIR PAPARIAN: So technically we
15 would be approving going forward with the change that
16 you're talking about?

17 MR. WOCHNICK: Well legally, actually the
18 change is, it's our proposal is, includes the change, so
19 it would be any, we're recommending that, that's as
20 proposed.

21 COMMITTEE CHAIR PAPARIAN: As proposed.

22 MR. WOCHNICK: Yeah, which includes the change.
23 So the staff's proposal includes the change, so it's
24 still technically number one.

25 COMMITTEE CHAIR PAPARIAN: Right.

1 MR. WOCHNICK: The next steps would be the,
2 assuming the committee approves beginning the formal
3 comment period, would be to do the initial statement of
4 reasons and the economic and fiscal impact statements.

5 So based on the normal timing that those take,
6 we're looking at the formal comment period would
7 probably not start till probably August or September of
8 this year, by the time all those items get completed.

9 That concludes my presentation. I'd be happy
10 to answer any questions you might have.

11 COMMITTEE CHAIR PAPARIAN: Any questions? We
12 do have one speaker. Okay. Theresa Dodge from Los
13 Angeles County Sanitation Districts.

14 MS. DODGE: Good morning, Mr. Chair and Board
15 members. As stated, I'm Theresa Dodge, I represent the
16 Los Angeles County Sanitation Districts.

17 At the last meeting Grace Chan of our office
18 testified before you relating our concerns to the
19 proposed regulations -- proposed regulations. Better?
20 Okay. You didn't miss anything.

21 In particular, the proposed requirements have
22 closure plans approved or approvable before an operating
23 permit can be issued.

24 We expressed a desire to work with staff in
25 coming up with language that meets their objectives

1 while providing permit applicants a set timetable for
2 permit review.

3 As you heard, we did meet with staff and were
4 successful in coming to consensus on language that for
5 the most part addresses our concerns. We may still have
6 some comments on the latest version, but will reserve
7 those for the comment period.

8 Therefore, we'd like to support staff
9 recommendation to approve the regulations for release to
10 public comment.

11 On behalf of the sanitation districts I'd like
12 to expression our appreciation to Mike Wochnick, Scott
13 Walker, and Steve Levine for carefully concerning our
14 concerns and for being very responsive to them.

15 Grace Chan wanted to be here today but had a
16 scheduling conflict, and wanted me to express her
17 sincere personal appreciation to both the Board members
18 and staff.

19 Thank you.

20 COMMITTEE CHAIR PAPARIAN: Thank you very much.

21 We also, we do have a communication from a
22 number of waste companies which goes along the same
23 lines as the witness just expressed, and I'm reading
24 from the letter,

25 "There are a couple of

1 outstanding issues, but we feel that
2 we can --" excuse me, this is the
3 waste companies -- "we feel these
4 can be dealt with during the public
5 comment period and, therefore,
6 support the staff recommendation of
7 approval -- excuse me -- to approval
8 of the regulations for release."

9 And they also express their appreciation to Mr.

10 Wochnick, Mr. Levine and Mr. Walker.

11 Mr. Jones.

12 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

13 Yeah, I want to thank our staff too. We had
14 some discussions about some of these issues, and I think
15 it just makes it a stronger program when we're looking
16 at tying the approved closure plan to a permit.

17 And I think that the issues were addressed
18 properly if, you know, I mean I'm in support of putting
19 these out for 45 day comment with the addition, but I
20 don't know if anybody else has anything.

21 COMMITTEE CHAIR PAPARIAN: If there's no
22 objection, then I don't think we need a resolution on
23 this.

24 MS. NAUMAN: No, we just need your direction.

25 COMMITTEE CHAIR PAPARIAN: Mr. Medina.

1 COMMITTEE MEMBER MEDINA: Okay.

2 COMMITTEE CHAIR PAPARIAN: So that's done, we
3 recommend going forward.

4 COMMITTEE MEMBER JONES: Mr. Chair, do we put
5 that, we can't put that on consent?

6 MS. NAUMAN: Doesn't need to.

7 COMMITTEE MEMBER JONES: Doesn't even need to
8 go to the Board.

9 COMMITTEE CHAIR PAPARIAN: This action is the
10 action.

11 COMMITTEE MEMBER JONES: Okay, yeah, that's the
12 way we used to do it.

13 MS. NAUMAN: And now it's our intent, now that
14 the committees have been established, to come to you for
15 direction on the reg packages, and then reserve the
16 Board action for the final adoption --

17 COMMITTEE MEMBER JONES: Yeah.

18 MS. NAUMAN: -- when it's all said and done.

19 Just to make comments on the last two items. I
20 and J are not before you for consideration this morning,
21 they are public hearings that will be conducted on the
22 first day of the Board meeting next week.

23 The first package is the putrescible
24 regulations. And based on the comments that we've
25 received thus far, we're anticipating that we'll need a

1 fifteen day comment period following the public hearing
2 next week.

3 And then the second item is the compostable
4 material regulations, and what you'll have before you
5 next week is, what the Board will have before it next
6 week is solely the public hearing, and then we'll
7 probably be coming back to the committee late in the
8 summer, after we've reviewed all of the comments, and
9 we'll likely ask for an additional fifteen day comment
10 period.

11 And as I indicated, we'll start adjusting all
12 of our regulatory calendars to bring these issues
13 progress on all the items to the committee in
14 discussion.

15 COMMITTEE CHAIR PAPARIAN: Okay. We did notice
16 on those two items that they wouldn't be taken up at
17 this committee meeting?

18 MS. NAUMAN: That's correct. Clear notice
19 that, the public notice that went out said May 14th, and
20 so this agenda carries that same indication that the
21 committee will not be taking up this item but it will be
22 before the full Board.

23 In the future when we send out public notices
24 for the public hearings, we will indicate that the
25 public hearing will actually be conducted before the

1 committee.

2 COMMITTEE CHAIR PAPARIAN: And Mr. Sweetzer, I
3 see you have something you want to say.

4 MR. SWEETZER: I just wanted a clarification on
5 this also.

6 COMMITTEE CHAIR PAPARIAN: Okay.

7 MR. SWEETZER: Larry Sweetzer on behalf of the
8 Rural Counties Environmental Services Joint Powers
9 Authority.

10 We will be providing some comments on the
11 compost regs, there's still an issue we're trying to get
12 clarified as far as the exclusion categories go. But I
13 do notice that the comment period is open until the 13th
14 of May, the Board meeting is on the 14th, and I would
15 hope that any comments considered by the public at the
16 14th meeting would also be included as part of the
17 record and not just close it on the 13th.

18 So we appreciate that, and we will be working
19 with staff on those comments.

20 MS. NAUMAN: All comments taken at the public
21 hearing are part of the record.

22 MR. SWEETZER: Thank you.

23 COMMITTEE MEMBER JONES: Not to discuss this
24 but, I mean the compost regs, but with all the work that
25 we did, this is about the presentation in front of the

1 Board, we're giving a little bit of direction here or a
2 little suggestion.

3 With all the work that we've done on PR 1133
4 and all the issues around this, it is critical that this
5 packet go out now. But somehow when you make your
6 presentation to the Board, we've got to make sure that
7 people understand that we can revisit these regs as
8 quickly as we need to, but that's going to be as we
9 develop best management practices and an understanding
10 with the air district, air districts which is what we
11 agreed to and the direction that the South Coast Air
12 Board gave their staff.

13 So people are going to be confused about this.
14 I know you're aware of that, but I want to make sure
15 that they understand that, in fact, those issues that
16 we're going to be addressing as a result of our joint
17 work can come forward in another reg package, correct?

18 MS. NAUMAN: That's correct. It's always been
19 staff's expectation that we would be developing phase
20 two of these regulations.

21 COMMITTEE MEMBER JONES: Okay. I just wanted
22 to get that on the record so people don't freak.

23 Thank you.

24 COMMITTEE CHAIR PAPARIAN: Okay. Anything
25 else?

1 MS. NAUMAN: No, that concludes our agenda.

2 Any public comment?

3 (No response.)

4 COMMITTEE CHAIR PAPARIAN: Seeing none, the
5 meeting is adjourned.

6 Thank you.

7 (Thereupon the foregoing meeting was concluded
8 at 10:05 a.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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3 I, DORIS M. BAILEY, a Certified Shorthand
4 Reporter and Registered Professional Reporter, in and
5 for the State of California, do hereby certify that I am
6 a disinterested person herein; that I reported the
7 foregoing proceedings in shorthand writing; and
8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said proceedings, nor
12 in any way interested in the outcome of said
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
16 Professional Reporter on the 20th day of May, 2002.

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19
20 Doris M. Bailey, CSR, RPR, CRR
21 Certified Shorthand Reporter
22 License Number 8751
23
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